

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002  
(Filed October 5, 2000)

Phase 2

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING IN PART  
MOTIONS FOR PROTECTIVE ORDERS  
REGARDING ELECTRICAL EMERGENCY PLANS FOR 2002**

**1. Summary**

The July 1, 2002 motions of Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) for protective orders regarding their respective electrical emergency plans for 2002 are granted for a period of two years, through June 30, 2004.

**2. Background**

By ruling dated June 28, 2002, the following motions of respondent utilities were granted in part:

- (a) PG&E motion dated May 28, 2002 to extend Protective Order regarding the filing of its 2001 Rotating Outage Action Plan;
- (b) SCE motion dated May 24, 2002 to extend Protective Order regarding the filing of its 2001 Rotating Outage Action Plan;

- (c) SCE motion dated June 6, 2002 for leave to file documents under seal, or in the alternative, motion for protective order and proposed ruling (viz. Exhibit C to SCE's verification of mailing of notification to Category H customers); and
- (d) San Diego Gas and Electric Company (SDG&E) motion dated June 3, 2002 for a Protective Order regarding the filing of its 2002 Electric Emergency Load Curtailment Plan.

These motions sought relief for a period of 10 years. The motions were granted for a period of two years.

On July 1, 2002, PG&E moved to file under seal an unredacted copy of its Electrical Emergency Plan 2002 (EEP 2002). PG&E simultaneously filed a redacted copy, which PG&E says is available for public inspection. PG&E asks that protection be granted for a period of 10 years. No responses were filed.

Also on July 1, 2002, SCE moved to file under seal certain attachments and portions of its 2002 Electric Emergency Action Plan (2002 EEAP). SCE simultaneously filed a redacted copy, which SCE says is available for public inspection. SCE asks that protection be granted for a period of 10 years. No responses were filed.

### **3. Discussion**

PG&E's EEP 2002 contains sensitive information used by PG&E during an emergency, such as employee names, employee home telephone numbers, and employee work telephone numbers. It also contains customer specific information, such as the account numbers and identities of essential customers (e.g., government agencies essential to the national defense). Further, it includes the account numbers and locations of PG&E transmission level customers. It also contains the locations and identities of circuits within each rotating outage block and sub-block that, if disclosed to the public, could create serious security issues.

Similarly, SCE's 2002 EEAP contains a list of SCE's essential customers, including names and addresses. SCE points out that these are customers the Commission has determined are essential to public health, safety and security. The Commission has previously ruled, according to SCE, that this information should not be publicly disclosed without prior consent of the affected customer. Further, SCE points out that Attachments A-F to its EEAP contain detailed information about SCE circuit configurations traditionally kept confidential in order to protect the integrity and security of distribution system operations.

SCE asserts that neither the essential customer list information nor the circuit configuration data change significantly from year to year. SCE asks that, in the interest of protecting public welfare, the protective order cover a period of 10 years.

PG&E and SCE persuasively argue that disclosure of information for which protection is sought would reveal confidential employee and customer information, and create serious security issues. Among other risks, it could make customers and systems vulnerable to sabotage or terrorism. The motions should be granted to protect public health, safety and welfare.

The motions should be granted, however, only for a period of two years. The Commission has recently considered the proper duration for protection, and found two years to be reasonable. (See, for example, Ruling dated June 28, 2002.) No new information or argument is presented to justify a longer period.

Persons who need access to the data before the end of two years, however, should negotiate an appropriate nondisclosure and confidentiality agreement with the utility. In the event of a dispute, the utility should contact the Administrative Law Judge assigned to the relevant proceeding, or Law and Motion Judge, for resolution of the dispute.

**IT IS RULED** that:

1. The July 1, 2002 motion of Pacific Gas and Electric Company (PG&E) for protective order regarding portions of its Electrical Emergency Plan 2002 is granted in part. Similarly, the July 1, 2002 motion of Southern California Edison Company (SCE) for protective order regarding portions of its 2002 Electric Emergency Action Plan is granted in part. Each motion is denied with respect to the request for a protective order covering 10 years. The protective order is granted for a period of two years, through June 30, 2004.

2. The protected material shall remain under seal for two years, until June 30, 2004. During this period, the sealed documents, or portions thereof, shall not be made accessible or be disclosed to anyone other than Commission staff, except on the further order or ruling of the Commission, Assigned Commissioner, Assigned Administrative Law Judge (ALJ), or the then designated Law and Motion Judge.

3. If a party believes that protection of the redacted information is needed beyond June 30, 2004, that party may file and serve a motion stating the justification for further withholding the material from public inspection, or for such other relief as Commission rules may then provide. The motion for further protection shall be filed and served no later than 30 days before June 30, 2004.

4. If a party seeks access in this or another Commission proceeding to a document, or portion thereof, sealed herein, and can establish that access to such document, or portion thereof, is necessary to its participation in such proceeding, PG&E and/or SCE and the party shall negotiate a nondisclosure and confidentiality agreement. In the event of a dispute, the utility shall contact the ALJ assigned to the relevant proceeding, or the Law and Motion Judge, for resolution of the dispute.

Dated September 9, 2002, at San Francisco, California.

/s/ BURTON W. MATTSON

Burton W. Mattson  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by regular mail, and by electronic mail on those parties with an electronic mail address, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting in Part Motions for Protective Orders Regarding Electrical Emergency Plans for 2002 on all Phase 2 parties of record in this proceeding or their attorneys of record.

Dated September 9, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.